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HUMAN RIGHTS AND U.S. POLICY: ARGENTINA, HAITI, INDONESIA, IRAN, PERU, AND THE PHILIPPINES

REPORTS

SUBMITTED TO THE

COMMITTEE ON INTERNATIONAL
RELATIONS

U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

PURSUANT TO SECTION 502B(c) OF THE INTERNATIONAL
SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT
OF 1976



DECEMBER 31, 1976

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(II)

FOREWORD

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., December 31, 1976.

Pursuant to section 502B(c) of the International Security Assistance and Arms Export Control Act of 1976, the Secretary of State transmitted classified statements to the Committee on International Relations concerning practices regarding the observance of international human rights and the implications for United States policy with respect to Argentina, Haiti, Indonesia, Iran, Peru, and the Philippines. Subsequently, at the request of the committee, the Department of State declassified the statements and transmitted the unclassified reports to the committee on December 29, 1976.

The findings of these statements are those of the Department of State and do not necessarily reflect the views of the membership of the Committee on International Relations. It is hoped that the statements will prove useful to members of the committee and of the House of Representatives.

Sincerely,

THOMAS E. MORGAN, *Chairman.*

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LETTER OF TRANSMITTAL FROM THE DEPARTMENT OF
STATE

DEPARTMENT OF STATE,
Washington, D.C., December 27, 1976.

HON. THOMAS E. MORGAN,
Chairman, Committee on International Relations, House of Repre-
sentatives.

DEAR MR. CHAIRMAN: By letter of October 12, Chairman Fraser of the Subcommittee on International Organizations asked that the Department declassify the human rights statements on Argentina, Haiti and Peru which were submitted to you pursuant to your request based on Section 502B of the Foreign Assistance Act, as amended. In response to Chairman's Fraser's request, I have sent him today unclassified versions of the human rights statements on those three countries, as well as on Iran, Indonesia and the Philippines.

I am enclosing for your information copies of the unclassified version of these six human rights statements.

Sincerely yours,

KEMPTON B. JENKINS,
Acting Assistant Secretary
for Congressional Relations.

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REPORTS SUBMITTED BY THE DEPARTMENT OF STATE CONCERN- ING THE OBSERVANCE OF INTERNATIONAL HUMAN RIGHTS AND THE IMPLICATIONS FOR U.S. POLICY

ARGENTINA

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

Argentina is a federal republic headed by President Jorge Rafael Videla, who came to power on March 24, 1976, after a coup overthrew the administration of President Isabel de Peron.

The March 1976 coup was precipitated by serious political and economic instability which fed upon each other. In March the Consumer Price Index was increasing at a 566-percent annual rate (on an accelerating curve). There was deepening recession and an external payments crisis threatened default on foreign debts. Violence was rampant. In the 3 years of the Peronist administration (1973-76), over 2,000 Argentines died as a result of left- and right-wing terrorism. Since March political violence has claimed at least 1,000 lives.

The current cycle of violence in Argentina began in the late sixties with the formation of the People's Revolutionary Army (ERP) and the Montoneros, both terrorist organizations dedicated to violent revolution and working closely with guerrilla groups in Uruguay, Chile, and Bolivia. When guerrilla organizations were defeated or ousted in these three countries, many of their members fled to Argentina, beginning in the early 1970's with the defeat of the Tupamaros in Uruguay. Significant rightist counterterror commenced under the Peron regime and with the sponsorship of his confidant Lopez Rega.

2. LEGAL SITUATION

The Argentine Constitution of 1853 is in effect. In practice, however, the decrees and laws promulgated by the military government take precedence in case of conflict. This principle has been consistently upheld by the Argentine Supreme Court.

The Argentine Constitution is closely patterned after the U.S. Constitution and provides most of the same legal guarantees. The major exception is a "State of Siege" provision contained in articles 23, 67, and 86 of the Constitution. These articles provide for the suspension of habeas corpus temporarily, the detention of suspects indefinitely and the moving of accused persons from place to place within the country without their consent.

The State of Siege was invoked by the Peronist government and has been in effect since November 6, 1974.

B. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

1. INTEGRITY OF THE PERSON

Article 3.—The rights of life, liberty, and security of person are violated regularly by terrorists at both ends of the political spectrum. Both the current and predecessor administrations have reportedly acquiesced in violations attributable to persons associated with the government; the legal security forces have reportedly killed detainees suspected of terrorism. Right-wing terrorism or counterterrorism has been carried out by vigilante squads operating with apparent impunity. Active duty and retired military and police personnel are reportedly members of such squads. Their victims have included a wide variety of individuals, suspected terrorists, other leftists, priests and foreign political exiles. There are no reliable statistics on the number of victims of these groups, but a reasonable estimate would be in the hundreds. The most notorious episode took place on August 30 when 30 leftist prisoners were allegedly executed in Pilar, in part as retaliation for the murder of a retired general, and in part apparently as a warning to leftist extremists. (The Amnesty International Report 1975-76 attributes 2,000 political assassinations since 1973 to the AAA, Argentine-Anti-Communist Alliance, a vigilante organization initially associated with the Peron government.) It should be noted that reported instances of rightist violence have declined in recent weeks, but it is too early to draw any conclusions at this time.

Leftist terrorism continues and has been responsible for hundreds of political assassinations and kidnappings. Many policemen, military personnel, and businessmen have been murdered at random. Argentine executives of American business firms have been frequent victims in 1976. American and foreign executives in considerable numbers have left Argentina to escape kidnapping and/or murder. In 1975 the American Consular Agent in Cordoba, John Patrick Egan, was murdered by the Montoneros, while a USIA officer, Alfred Laun, was kidnapped and narrowly escaped death in the same city.

Article 5.—While torture, cruel, inhuman and degrading treatment or punishment have not been a general practice in Argentina, such methods are reportedly used by the security forces to extract information from some prisoners, particularly suspected or proven terrorists. After initial questioning prisoners of this type apparently receive more or less normal treatment. Olga Talamante, an American released shortly after the March coup, has alleged that she was tortured; the same allegation was made by American Gwenda Mae Loken Lopez, who was held from April to September 1976. (Father James Weeks, who was imprisoned in Argentina from August 3-17, testified about the mistreatment of prisoners in Argentina on September 28 before the Subcommittee on International Organizations of the Committee on International Relations of the House of Representatives. Father Weeks said "most atrocities are carried out by rightwing extremist groups made up of police and paramilitary personnel." Amnesty International's 1976, "Testimonies on Prisoners, Torture and Detention in Argentina," describes several cases of reported torture.)

Article 8.—Legal redress for governmental abuse of basic rights is normally available in Argentina but may well be denied in cases involving charges of subversion.

Article 9.—The security forces have detained numerous persons for investigation and questioning under the provisions of the State of Siege or other laws, e.g., arms controls laws. Some are held indefinitely, others are freed after a short time, and still others are passed on to the regular courts or to military courts as prescribed by law. An accurate estimate of persons detained under the State of Siege is impossible to calculate. At the time of the March coup, The Amnesty International Report 1975–76 estimated that over 4,000 people were under detention without trial for unlimited periods. The figure is currently lower in all probability. In October 1976 during a visit to the United States, the Argentine Foreign Minister told the press there were 1,000 prisoners as of that date. He reportedly said that 300 persons had been released a few days earlier. We have no independent information to corroborate any of the above statistics.

Article 10.—The right to a fair hearing. In Argentina, preliminary investigations are conducted by judges. The right of habeas corpus is not honored in cases arising under the State of Siege.

Article 11.—Argentine courts function normally in most cases, insuring the right to a fair trial. The exception applies to individuals held under the State of Siege. In such cases the Argentine Supreme Court has ruled that the jurisdiction of the military justice system over subversion and arms control cases applies only when it is clear that the offense is actually linked to the security of the nation. Right- and left-wing intimidation of lawyers and judges has made it difficult to insure fair trials in cases of alleged subversion and/or terrorism. (The Amnesty International Report 1975–76 states that lawyers formed one of the largest categories of prisoners held under the State of Siege in 1975 because they defended political prisoners.) The report notes accurately that lawyers are refusing to defend political prisoners.

2. OTHER FREEDOMS

Argentines are treated equally before the law regardless of race or religion. Freedom to leave the country and return is the general rule. Freedom of thought and religion are generally respected in Argentina. The Jehovah's Witnesses, however, are encountering problems, as they have elsewhere in Latin America, because of their refusal to serve in the armed forces or salute the flag. In August 1976 the Argentine Government banned the Witnesses. This ban is being appealed in Argentine courts by the Witnesses.

Anti-Semitism has been a recurrent phenomenon in Argentina's modern history. In mid-1976 there were a series of bombings of synagogues and machinegun attacks against store fronts. This was accompanied by the appearance on Argentine newsstands of numerous anti-Semitic publications. The Government responded by closing down the publishing house responsible for most of this material. On September 29 President Videla met with a leader of the Jewish community in Buenos Aires, as well as with leading Christian figures. After the meeting, the rabbi who attended reportedly stated that he hoped that "the peace and understanding we found at the President's table are a reflection of what is to come for Argentina." On October 7 Foreign Minister Guzzetti met with representatives of the American Jewish Committee in New York. We were informed

by the committee that the Foreign Minister gave strong reassurances that anti-Semitism would not be allowed to become a problem. The committee also reported to us, however, that some of the suppressed anti-Semitic publications have reappeared under different press names. (In testimony before the Subcommittee on International Organizations of the Committee on International Relations of the House of Representatives on September 28, Mr. Burton Levinson of B'nai B'rith discussed the banning of anti-Semitic literature, noting it was a partial ban but a significant first step in dealing with the problems of anti-Semitism. Mr. Levinson stated that the Jews had not suffered physical injuries as a result of right-wing actions.)

Freedom of expression and opinion in Argentina has been somewhat restricted by the banning of some rightwing and leftwing publications. The Argentine press is required to exercise self-censorship, and is specifically prohibited from mentioning terrorist and antiterrorist operations unless officially authorized by the Government. There is, nevertheless, criticism of human rights abuses in the Argentine press. Few journalists have suffered arrest and only for short periods. Foreign correspondents file stories freely. On August 21 the Argentine Newspapers Owners Association, representing over 100 editors and publishers, complained to President Videla about press restrictions.

Upon taking power in March, the military junta dissolved the parliament and banned political labor activity. Some labor unions were taken over temporarily by the Government and, on September 8, a law was passed providing for up to 10 years in prison for strike organizers.

C. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

The subject of human rights has been raised repeatedly with representatives of the Government of Argentina during 1976 by the Department of State and our Embassy in Buenos Aires. Aware of our interest in this matter, Argentina officials have themselves broached the subject with us on a number of occasions. In fact, no other substantive subject has been discussed more often with the incumbent Argentine Government than human rights. The Ambassador has personally explained at length our view of the problem to President Videla, to other members of the junta and to most members of the Cabinet, including the Minister of Foreign Relations, the Minister of Economy, the Minister of Interior, the Minister of Justice, and the Minister of Labor. Senior officials of the Department of State have reviewed with the Foreign Minister and various of his colleagues in the United States reports of violations in Argentina. The subject has been discussed often with Argentina's Ambassador in Washington and with officers of the Argentine Embassy. In addition, Embassy officers and visiting American officials discuss human rights regularly in conversations with their Argentine counterparts. Officials at the Department of Defense, including the Director of the Inter-American region, have discussed the subject with resident and visiting Argentine military officers. Our military attachés in Buenos Aires also consistently raise the problem of human rights with their Argentine counterparts in an effort to make

them aware of United States views. In these discussions the following topics have been raised repeatedly by American officers:

- Access to and the treatment of American prisoners held on political charges;
- Deep concern over reports of mass murders, and the indiscriminate killings of political refugees and priests;
- The urgent need to control vigilante groups and punish terrorism of both the left and the right;
- The safety of political refugees;
- Anti-Semitism;
- The need to bring to trial or release alleged subversives; and
- The need to publish the names of prisoners.

The Government of Argentina has stated that the current situation is temporary and that normal conditions will be restored within a short time.

At the behest of Congress and American citizens, we have also inquired about Argentine and other non-American nationals held in detention. While most of our diplomacy has been private, the Ambassador did raise the subject of human rights in an interview published in July by Argentina's leading business publication, Mercado. The Ambassador noted that human rights violations had disturbed United States relations with other countries and expressed the hope that this would not happen with Argentina, noting President Videla's promise to respect human rights.

The U.S. Information Service reprinted in pamphlet form and distributed to key Argentines and to the media Secretary Kissinger's speech in Santiago last June. USIS also provided all media with copies of then Assistant Secretary Rogers' speech on "Human Rights and U.S. Policies in Latin America." La Opinion, one of the most important Argentine newspapers, published the complete text of the Rogers' article. Our Embassy also sent the text of both the Secretary's speech and the Rogers' article to the Foreign Ministry and to the Office of the Presidency. In addition, USIS officers have given numerous briefings to Argentine journalists in an effort to explain the U.S. position on human rights.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

In September our Embassy in Buenos Aires outlined the human rights provisions of the International Security Assistance and Arms Export Control Act of 1976 to high-level Argentine officials, giving a copy of the law to the President and Foreign Ministry on September 12. The commander of the U.S. Military Group at the same time raised the subject with the Minister of Defense and provided him with a copy of the same legislation.

Argentine leaders have stated that as a matter of policy they do not condone and are seeking to curb violations of human rights, but that in the present atmosphere of terrorism, they cannot yet control the situation.

D. U.S. SECURITY ASSISTANCE PROGRAM

1. JUSTIFICATION FOR CONTINUATION OF PROGRAM

The amount of U.S. security assistance to Argentina proposed for fiscal year 1977 is \$48.4 million in foreign military sales credits and less than \$700,000 in grant military training. These sums were justified to Congress and approved soon after the Videla government came to power.

The United States does not extend aid to the Argentine police, except to control and interdict the flow of narcotics.

U.S. military credits are used almost exclusively for major investment items, such as ships and aircraft. They have little or no bearing on the counterterrorist capability of the armed forces.

Security assistance demonstrates our desire to cooperate militarily with a country which has 1,000 miles of coastline on the South Atlantic reaching to Cape Horn. Our assistance orients the Argentine military professionally toward the United States, exposing them to our technology and methods. In return, it offers the United States the possibility of improved communication with the Argentine military who have always influenced events in their country and are now the dominant sector. This helps promote and protect our various interests and helps insure that we will get a hearing on matters of concern to the United States.

Argentina, it should be noted, is already a middle power in terms of development. It has a high rate of industrialization and is one of the world's leading exporters of foodstuffs. In addition, it has substantial uranium deposits, well trained physicists and ambitious plans for nuclear power development. U.S. direct investment in Argentina totals \$1.4 billion; U.S. exports were \$628 million in 1975; our imports were \$215 million; and we have a credit exposure of about \$2.7 billion, of which almost \$600 million is owed to the Eximbank and the balance to commercial banks.

2. NATIONAL INTEREST DETERMINATION

In order to preserve a professional relationship with the Argentine Armed Forces and demonstrate our interest in constructive overall relations with Argentina, thereby promoting the U.S. policy objectives outlined above, the Department of State is of the opinion at this time that it is in the national interest of the United States to provide continued security assistance to Argentina. The Department is monitoring the situation closely.

HAITI

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

Haiti, the poorest country in the Western Hemisphere, has never enjoyed a democratic tradition. Since it became independent in 1804, the political history of the country has been one of authoritarian leadership, punctuated by continual attempts by those out of power to remove the regime in power by force. Human rights, due process, and political freedoms as known in Western Europe and the United States have not been part of Haiti's political traditions.

In the 1960's, attention focused on the human rights situation in Haiti because of a number of particularly serious abuses under the late President. Due to Duvalier's authoritarian style of rule and in reaction to a series of coup attempts mounted from abroad, an atmosphere of suspicion and insecurity prevailed in Haiti. All opposition to the regime was suppressed.

Since 1971, there has been an improvement of the political atmosphere; this slow trend continues, with occasional setbacks. President Jean-Claude Duvalier has declared policies of domestic détente and national reconciliation; and political repression has eased. Over 500 prisoners, including a number of political prisoners, have been released in 6 separate amnesties. The President has publicly assured Haitian exiles they could return without reprisals, and hundreds have done so.

Nonetheless, the government in Haiti remains basically authoritarian. Opposition political activity is not permitted.

2. LEGAL SITUATION

The Haitian Constitution provides guarantees for a broad range of universally recognized human rights, among them life, liberty, privacy, freedom of speech, warrants for arrest and search, and trial by jury. These rights have rarely been observed. Most of them are formally suspended under a state of siege in effect since 1958. However, Haiti's criminal courts convened this spring in regular session for the first time in 16 years. In September 1976, President Duvalier instructed the Ministry of Justice to bring all persons arrested promptly before the criminal courts.

3. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

a. Integrity of the Person

Article 3 of the Universal Declaration of Human Rights.—Under the François Duvalier regime in Haiti, there was widespread danger to life and personal security, including the risk of prolonged incarceration due to false denunciations. This situation has improved under the Presidency of Jean-Claude Duvalier. Detention for extended periods without regard to due process still occurs, but it now appears limited largely to those considered to be serious security risks or violators.

Article 5.—It is difficult to determine the degree of Haiti's compliance with this article. Conditions in Haitian prisons are generally poor.

The Amnesty International Report, 1975-76, states that arbitrary executions, starvation, appalling hygienic conditions, disease, and torture account for one of the highest mortality rates among prisoners in any country. However, AI and other international reports do not describe any specific accusations of cases of torture in Haiti in recent years.

Two prisoners released from the national penitentiary in 1975 and 1976 have reported that political prisoners today receive plain but basically adequate food and live in tolerable conditions in the three blocks reserved for them at the penitentiary. Another prisoner released earlier from the Fort Dimanche prison reported that conditions there were significantly improved from what they had been in the 1960's. None of the released prisoners or other eyewitness sources in Haiti have reported knowledge of torture or summary executions since the late 1960's.

Article 8.—The Haitian Constitution provides for the right of petition for a redress of grievances, but there has been no effective relief from the courts in cases including charges of subversion.

Article 9.—Persons considered a threat to security are still subject to arrest and detention without civil trial. The Amnesty International Report, 1975-76, states that it is difficult to assess accurately the present number of political prisoners in Haiti, a statement with which we concur.

AI further reports that it has 255 names of political prisoners, and estimates range from 400 (the more usual figure) to 3,000. Our estimate of the number of prisoners currently held in Haiti on politically related grounds, based on reports of released prisoners and other sources in the country, is in the range of 100.

It is understood that a number of these so-called political prisoners were convicted by secret military courts-martial of engaging in specific conspiracies or attempts to overthrow the government by force, such as the revolt of the Haitian Coast Guard in 1970 and the politically motivated kidnaping of the son of the Minister of Industry and Commerce in August 1972.

President Jean-Claude Duvalier has granted amnesties six times since assuming power, releasing a total of about 500 prisoners—most of them arrested before he came to power. The latest release was also the largest.

Following a Presidential inspection visit to the national penitentiary on September 17, 1976, the Haitian press on September 29 published the names of 261 prisoners ordered released by the President. No charges will be brought against the prisoners released, and the Ministry of Justice has been ordered to present the cases of all remaining persons held for misdemeanors and crimes at the next criminal assizes.

Coupled with his release of the prisoners, President Duvalier instructed the Ministry of Justice to bring all persons arrested promptly before the criminal courts.

Article 10.—A fair hearing is available in most ordinary trials in Haiti. Fair hearings are less likely in the countryside, where few trials take place, or for persons detained on security grounds and tried in the military courts.

On November 17, 1975, a Catholic priest who worked as a missionary in Haiti testified to the Subcommittee on International Organizations of the House Committee on International Relations that, in the south of Haiti, the law is still largely in the hands of the military and, to a lesser extent, the militia. He reported that, from what he had observed in the region of Cayes, arrests are made without court warrants, and legal counsel is arbitrarily granted or denied to the alleged defenders at the discretion of one or another person in high places.

Article 11.—Civilian courts appear to honor this article's requirements for a fair trial and counsel. In 1975, the criminal courts, suspended under the previous regime, were resumed as an established element in the judicial calendar, and the first formal criminal trial in years was held. In 1976, the courts generated considerable public interest and resulted in several widely publicized acquittals. Military courts are more arbitrary.

b. Other freedoms

Haitians can generally move freely within the country. They require a passport and exit visa to travel abroad. Haitians abroad for an extended period require a re-entry visa to return. Documents are refused persons considered subversive or against whom charges are pending, but these are understood to be a small minority of the total number of applicants. According to the airlines serving Haiti, hundreds of Haitians depart and enter the country every week.

In 1973, the Haitian Government formally adhered to three Latin American political asylum conventions. It has respected these conventions, which allow for asylum in the embassies of the contracting countries.

Catholicism is the state religion in Haiti, but other religious groups exist freely. Communism and anarchism are outlawed.

There are limitations on the public expression of opinions. The press exercises self-censorship, although it is gradually acquiring a greater margin for constructive criticism of the Government's administrative shortcomings.

In 1975, a major criminal trial was freely debated in the press. A periodical denounced a militia unit for alleged gross human rights violations and the Government, in response, arrested and tried all the accused men. At the same time, the Inter-American Press Association lists Haiti among the countries of the hemisphere not enjoying freedom of the press.

In May 1976, a journalist for one of the more outspoken of the Haitian periodicals, a political and literary weekly, died under mysterious circumstances in Haiti. His death was attributed by some to persons or elements in the Government offended by his periodical, but we have seen no evidence to support this charge.

The exercise of the right of assembly is restricted. Political gatherings, however peaceful, are not permitted.

B. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

Over the past 2 years, U.S. officials have pursued our concern for human rights with a wide range of Haitian Government officials, from

the President on down. In 1974, Special Assistant to the Secretary for Refugee Affairs Kellogg met with President Duvalier and received his assurances that Haitian refugees returning from the United States would not suffer reprisals. Also in 1974, Senator Edward R. Brooke and our Ambassador to Haiti, in a call on President Duvalier, stressed the concern in Congress and the U.S. Government for human rights. Senator Brooke's 1974 visit to Haiti resulted in a report to the Senate Committee on Appropriations which we understand President Duvalier instructed all his cabinet ministers to study.

At every appropriate occasion, our Ambassador has introduced the subject of human rights with senior Haitian Government officials, particularly the Ministers of Interior, Justice, and Foreign Affairs. Our Ambassador has reviewed U.S. positions and concerns on human rights with the Minister of Foreign Affairs. He has transmitted the texts of Secretary Kissinger's statements on human rights at the 1976 OAS General Assembly to the Foreign Minister, accompanied by a letter stressing the key points made by the Secretary on human rights and welcoming an exchange of views on the points raised. We make the following points in dealing with Haitian leaders:

(a) We follow closely all developments in the field of human rights in Haiti and carefully evaluate all available information bearing on this topic. This reflects the principal U.S. policy goal of promoting increased observance of internationally recognized human rights by all countries.

(b) We have noted the pattern of evolution in the observance of human rights in Haiti, particularly over the past 4 years, and believe that liberalization is a wise policy that well serves the national interests of Haiti.

(c) In the case of Haitians deported from the United States for illegal entry, we consider it extremely important that we have full information as to their treatment upon arrival in Haiti. This permits us to establish clearly that their treatment is in accordance with international human rights standards.

(d) It is highly desirable that the Haitian Government make further clarification on the status of political prisoners and that the Government liberalize regulations on visits to and correspondence with these and other prisoners. None should be held without proper charges; and convictions and sentences—past or current—should be made public.

In the course of the visit of staff members of the House Judiciary's Subcommittee on Immigration in early 1976, we again emphasized to Haitian leaders the strong congressional interest in human rights as regards treatment of Haitian refugees.

Other officers of our Embassy have been equally active within the range of contacts available to them.

The U.S. Information Service has availed itself of every opportunity to convey to the Haitian media as well as to Haitian Government leaders the seriousness with which the United States regards human rights matters. Major speeches and policy pronouncements, references to human rights in the recent U.S. election campaign, and

congressional opinion and action in the human rights area have been promptly communicated via regular press releases. Notwithstanding the absence of appreciable press freedom in Haiti, our Embassy in Port-au-Prince reports there has been extensive coverage of international news on human rights in the Haitian media. The Embassy believes that this free flow of information has influenced the Haitian Government's attitudes and policies.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

The Haitian Government is well aware of the general connections we made between our assistance programs and the extent of human rights observance. A major underlying reason for the withdrawal in 1963 of our Haiti military training mission, as well as of our AID mission, was the abuse of human rights at that time. Conversely, the Haitian Government understands that only by virtue of substantially improved performance in the field of human rights could the U.S. Government have considered resuming assistance programs, as we have done.

The present military training program, begun late in fiscal year 1975, is extremely modest in scale, has little or no public profile in Haiti, and was carefully and deliberately designed to concentrate upon sea and air rescue and the strengthening of associated logistic and communication capabilities. Nothing in the present limited military training program has any application to the internal security capability of the Government. Our security assistance has been effectively disassociated from any potential violation of human rights and, conversely, its reintroduction has been associated with the gradual improvement in the Government's performance in this field.

C. U.S. INTERESTS JUSTIFYING A SECURITY ASSISTANCE PROGRAM

The very small U.S. security assistance program for Haiti is designed specifically to assist the Haitians to build up a capability for sea and air rescue and the maintenance of navigational aids, an important humanitarian capability for any government and one which will in fact also assist in protection to U.S. mariners now totally dependent on the U.S. Coast Guard.

The Department of State is of the opinion that the current U.S. security program for Haiti should be continued. Elimination of the modest U.S. security assistance program would have no impact on Government of Haiti human rights practices. To the contrary, it would lessen our ability to influence the Haitian Government on a range of U.S. interests in Haiti, including promotion of human rights.

INDONESIA

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

The present Indonesian Government is based on the 1945 Constitution, a short broadly phrased document drafted during the revolution against the Dutch colonial power. It provides generally for a centralized state whose principal components are the President, the Parliament, and the People's Consultative Assembly. President Suharto, was elected by the Assembly in 1973 to a 5-year term.

Most of the present members of Parliament were chosen in the 1971 election in which a government-based quasi-party, GOLKAR, made up of a coalition of bureaucrats, military personnel, functional groups of labor, youth and cooperatives won 60 percent of the popular votes and 236 of the 360 contested seats. The next parliamentary elections in 1977 will be conducted under a new election law which has regrouped all the political movements into three parties: the Unity Development Party (uniting several Moslem parties), the Indonesian Democracy Party (made up of the former nationalist and Christian parties), and the pro-Government GOLKAR. The Assembly will choose a President in 1978.

Although President Suharto and the Army maintain significantly broad veto powers, in practice the decisionmaking process is both broadened and made more democratic by continued resort to the historical Javanese/Indonesian tradition of taking important political decisions only after engaging in informal consultations and a broad consensus has been formed. Parliament also has an appreciable role in the decisionmaking process, participating in the consensus and on occasion forcing the Government to modify its programs despite its legislative majority.

An important factor in contemporary Indonesian political life is the continuing impact of the unsuccessful 1965 coup attempt supported by the large Indonesian Communist Party (PKI) which at that time claimed 3.5 million members and additional millions in its front groups. Six senior generals were murdered and key parts of Jakarta were temporarily occupied by leftist troops. The coup attempt and PKI efforts to stage uprisings in rural areas were put down by the armed forces, but not until they had precipitated a wave of civil strife and virtual anarchy in much of Indonesia. As many as 100,000 people were killed and more than a half million arrested on suspicion of complicity in the coup. The severe and lasting Indonesian reaction to this event has been intensified by the fact that the PKI had come back from military defeats in two previous coup attempts, in 1926 against the Dutch and in 1948 against the independent Republican government.

Most of those detained in connection with the 1965 coup attempt have since been released, and the Government has recently announced an accelerated program of releases for the remainder. By 1975, according to the Indonesian Government, fewer than 35,000 remained in detention, of whom about 11,000 were on Buru Island. The Indonesian Government announced in the fall of 1975 that an additional 1,300 of those detainees were being released and that 2,500 more would

be released in 1976. Senior Indonesian officials who visited the United States in October 1975 and discussed the problem with Members of Congress indicated that many additional releases were planned for the future and that the Government hoped to resolve the issue entirely after the 1977 general election.

2. LEGAL SITUATION

Indonesian law and judicial institutions are rooted in Dutch law (based on the Napoleonic Code) and *adat* or traditional law (which in many cases has been strongly influenced by Islamic law). Given the tremendous variations from region to region, and the overlapping of different traditional customs and/or religious rules, it is often difficult to define exactly what the law is on a specific issue. Efforts to codify conflicting legal traditions have proven difficult. The Indonesian court system is itself understaffed and overburdened.

The 1945 Constitution is brief and vague in its definitions of the civil rights of citizens. At the time the Constitution was drafted Indonesian leaders were far more concerned—and the Constitution reflects this—with securing their independence and with social and economic justice for the people as a whole than with the private rights of the individual citizen. There is no specific bill of rights. Article 26 defines as citizens native born persons and others recognized by statute. Article 27 gives all citizens equal position in law and government and equal obligation to uphold that law. The right to work and a decent living is also established. Article 28 provides that freedom of association and assembly, of thought and of the press shall be prescribed by statute. Article 29 guarantees freedom of religion. Article 30 specifies the duty of every citizen to participate in defense of the state. Article 31 states that every citizen shall have the right to an education.

Criminal trials in Indonesia, including those involving internal security charges, are conducted in accordance with conventional procedural safeguards. The antisubversion law of 1963 provides that suspects may not be detained without charge for longer than 1 year, and a 1970 law guarantees compensation for unlawful arrest and detention.

There is currently no state of emergency in effect in Indonesia, but Article 12 of the Constitution provides for the declaration of a state of emergency by the President as necessary.

An emergency powers act was enacted in 1966 to deal with the chaotic situation resulting from the 1965 coup attempt. It permits detention of any person for the preservation of law and order, and does not limit the length of time a detainee can be held without trial. Those whose cases are related to the 1965 events are detained under this act.

3. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

Much of the information available to the United States on Indonesian observance of internationally recognized human rights, particularly with regard to detainees, has been obtained from press reports, from occasional interviews with persons released from prisons, or from the Indonesian Government itself. In addition, the ICRC has

twice sent missions to visit the camps where detainees are kept, in 1971 and 1974. By agreement between the ICRC and the Indonesian Government, the reports prepared following these visits have not been made public. The Indonesians have recently permitted a Dutch television crew to make films on Buru Island. The Indonesian Government has repeatedly indicated it would be prepared to receive Members of Congress interested in this problem, and it has made available detailed information on the number and location of detainees.

Nevertheless, there continues to be some disagreement among foreign observers about the number and treatment of prisoners in Indonesia. The Amnesty International's 1974-75 annual report, for example, referred to the "desperate" position of more than "55,000 political prisoners . . . now in their 10th year of prison." Amnesty International has also made allegations about mistreatment of individual prisoners. In its recent statements, Amnesty International appears to have relied heavily on information provided by a former Communist who is the wife of one of the Communist detainees and was herself an official of the displaced Sukarno regime.

(A) Integrity of the person

Article 3.—The right of life, liberty, and security of persons is conditioned by the 1966 emergency powers. However, the Indonesian Government does not practice unlawful killings, and liberty and security of the person are generally observed.

Article 5.—Torture, cruel, inhuman, or degrading treatment or punishment are not used by the Government as an instrument of policy nor officially tolerated by the Government.

Article 8.—Access to legal remedies can be difficult because of the 1966 State of Emergency Act and the complexity of several coexisting systems of law and understaffed and overcrowded courts.

Article 9.—Arbitrary arrests and detentions occur in Indonesia in cases involving national security. The Indonesian Government states that continued detention of about 31,000 persons results from the fear that if the Communists are allowed to regroup, Indonesia will again be plunged into disorder and the apprehension that feelings still exist against those detained which would cause disturbances if they returned to their homes.

Article 10.—Procedural guarantees during the hearing process are still evolving.

Article 11.—Appropriate safeguards appear to be followed in criminal trials. Such procedures also appear to be followed in political trials. Under the 1966 emergency powers detainees need not be brought to trial.

(B) Other Important Freedoms

The rigorous suppression of the Indonesian press during the latter part of the Sukarno era was reversed by the present government. Between 1966 and 1974 the Indonesian press reportedly enjoyed a greater degree of freedom than existed almost anywhere in East Asia outside of Japan. Following the outbreak of severe riots in Jakarta in January 1974, however, a number of publications were closed by the Government. Since that time, the press has been less free to criticize the Government or its senior leadership, although criticism of specific actions and policies of the Government is accepted and there

has been a general easing over time. In early 1976 a Christian Science Monitor correspondent found the press once again more free than in most of East Asia. There is no formal censorship.

Indonesia has encouraged the development of trade unions although within the framework of a Government sponsored federation. Trade unions must register with and be approved by the Ministry for Manpower, after which they are allowed to engage in collective bargaining and other normal union functions. The right to strike is contained in Indonesian labor law, but it is forbidden for essential industries. A few strikes have been tolerated against foreign firms. Civil servants and other Government employees are not allowed to form or to join unions. However, one large former union composed mainly of civil servants, the teachers' union, has been changed into a professional association and continues to function largely as before.

Except for the outlawing of the Communist party, there are no unusual limitations on freedom of association which apply to the general public. High Government officials are forbidden to join political parties, and, under a proposed new law, ordinary civil servants must obtain permission from their superiors to do so. Freedom of assembly is limited, to the extent that large-scale demonstrations are prohibited, and students and other groups must obtain permission to hold large meetings. This latter requirement is, in most cases, flexibly enforced.

B. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

United States officials have had frequent discussions with Indonesian Government officials about our concern over the human rights situation in Indonesia. The Indonesians recognize that the detention of large numbers of Indonesian citizens without trial constitutes a human rights problem and they have been willing to discuss this problem with U.S. officials. At the same time, they feel they must weigh human rights considerations against the background of the 1965 attempted pro-Communist coup, as a serious internal security problem.

United States officials have made Indonesian leaders aware of those sections of U.S. legislation relevant to human rights and of the overall concern of the Congress and the administration in this regard:

(a) In late June and early July 1974 and again in March 1975, the U.S. Ambassador met with the Acting Foreign Minister. During these meetings he passed the text of the new U.S. legislation on foreign assistance relating to human rights. He also held meetings with other senior Indonesian officials at which this problem was discussed and international concern about it was stressed.

(b) Our Embassy in Jakarta has also provided information on U.N. activities and services to Indonesian legal officials, facilitated high-level contacts with the Congress and with representatives of international organizations active in the human rights field. The Department of State has also followed up on these actions in Washington.

(c) Our Ambassador met with Foreign Minister Malik and Attorney General Ali Said in June 1975 and with Admiral Sudomo in August 1975 to outline congressional interest in human rights ques-

tions in countries which receive U.S. aid and to discuss a possible visit to Indonesia by members of Congressman Fraser's subcommittee.

(d) In July 1976 our Ambassador spoke on "U.S. Foreign Policy in an Election Year" before the Public Relations Association of Indonesia and pointed out that there were Americans who remain concerned about American relations with a nation which still has a number of persons detained without trial. The speech was widely reported in the Jakarta press and the comment on detainees became the subject of an editorial.

(e) In late September and early October the Ambassador personally delivered copies of sections 301 and 302A of the International Security Assistance Act to key officials of the GOI.

In addition to these high level approaches, our Embassy has continued to make other efforts to promote understanding of the adherence to internationally recognized standards of human rights through educational and cultural exchanges and in unofficial, informal contacts. These have encompassed individuals and groups in the legal, academic, public affairs, and political fields.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

The Embassy has made the Indonesian Government clearly aware of the provisions of security assistance legislation dealing with human rights and of the overall interest of the U.S. Government in this regard. In addition, our security assistance program is focused principally on providing Indonesia with a self-defense capability against a possible external threat. The emphasis of the program is on equipment designed to help protect the integrity of Indonesia and to prevent infiltration and subversion from outside. Priority is given to providing communications, marine surveillance, and transportation equipment, although we have also helped to reequip certain units of the strategic reserve. U.S. security programs are focused on providing basic skills, such as language and equipment maintenance training. There is no longer any assistance to the national police except for a small antinarcotics program.

C. U.S. INTEREST JUSTIFYING A SECURITY ASSISTANCE PROGRAM

The U.S. security assistance program is based primarily on a recognition of the strategic importance of Indonesia in Southeast Asia and the interest of the United States in the maintenance of an independent and friendly Indonesia. Indonesia is the largest and most populous of the 10 Southeast Asian countries and an important Western trading partner. It is a potential leader in the region and throughout the Third World.

For a decade the Indonesia Government has concentrated on economic development, largely at the expense of military preparedness. As a result of the changing security situation in Southeast Asia, Indonesia recently has become concerned about its antiquated and poorly equipped military forces and has looked particularly to the United States for assistance in obtaining communications and radar equipment, transportation equipment, and a modest upgrading of combat capability. The Department of State believes that it is in the interest

of regional security and continued good United States-Indonesian relations to try to be responsive to Indonesia, particularly at this time when it feels increasingly concerned about its national security. Specifically, the Department is of the opinion that continuation of our security assistance program to Indonesia is in the U.S. national interest.

**Letter of December 15, 1976, From the State Department With
Additional Information on Human Rights in Indonesia**

DEPARTMENT OF STATE,
Washington, D.C., December 15, 1976.

HON. THOMAS E. MORGAN,
*Chairman, Committee on International Relations,
House of Representatives.*

DEAR MR. CHAIRMAN: You will recall my letter of November 11, 1976, transmitting statements on the human rights situation in several countries, including Indonesia, in accordance with the provisions of section 502B(c) (1) of the Foreign Assistance Act of 1961 as amended.

In connection with the report on Indonesia, I would like to bring to your attention a new development in the human rights situation in that country. As you know, concern over human rights in Indonesia has been focussed almost entirely on the continued detention without trial of some 30,000 persons whom the government believes were involved in the aborted pro-communist coup attempt of 1965 but lacks sufficient evidence to bring to trial.

On December 1, 1976, the Indonesian Government released approximately 2,500 of these prisoners and permitted them to return to their homes. At the same time, the government announced a three-year program for the release of all of the remaining prisoners except for those (fewer than 1,800) whom the government intends to put on trial. Under the program 10,000 prisoners are scheduled to be released in 1977, 10,000 in 1978 and the remainder in 1979.

The Indonesian Government statement indicated that certain restrictions might be placed on some of the prisoners upon their release, with those from Java to be resettled in other islands rather than being permitted to return to overcrowded Java.

We will, of course, continue to follow the situation closely as it develops, with due attention to the status of the prisoners following their release.

Sincerely,

KEMPTON B. JENKINS,
*Acting Assistant Secretary
for Congressional Relations.*

IRAN

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

For the past century Iranian leadership has been attempting to create a modern national state against a backdrop of entrenched traditional conservatism, poverty, and illiteracy. During this period Iran has confronted severe challenges to its governmental structure, as well as economic turmoil and outside pressures. It has been twice invaded and partially occupied by the Soviet Union. In the post-World War II period, an indigenous Communist party with substantial external support grew in influence to the point where it was able to precipitate a governmental crisis in 1953 which resulted in the Shah fleeing the country temporarily. He returned shortly thereafter and began to lay the basis for major economic and social reforms now known as the Shah people revolution. Implementation of these reforms brought the Government and modernizing elements into conflict with landlords and reactionary religious personalities and, in 1962, resulted in a week of confrontation and physical violence in the streets of Tehran. The Government carried the day and since that time its reform programs, which have benefited the majority of the population, have had wide public support.

These reforms, along with Iran's economic development programs, form the core of the government's domestic activities. In the past 15 years, they have resulted in major progress in fields related to land-ownership, education, the local court system, rural development, health, and the rights of women. In sum, they amount to a significant improvement in the quality of life and rights of most Iranians.

Beginning in the late 1960's, Iran has also been confronted with a small number of terrorist organizations operating within the country. These terrorist groups have not delineated fully their economic and social programs, but they appear to be motivated by either the extreme conservative desire to oppose the social-economic changes in the society brought about by the Shah or to advocate even more sweeping, radical leftist changes. There is evidence that they have received substantial foreign support and training. While those groups pose no serious political threat to the Government, terrorists have been responsible for the murders of Iranian Government officials and Americans, including three colonels and three civilian defense contractor personnel over the past 34 months.

The present governmental system is a constitutional monarchy headed by the Shah and a two-chamber parliament. Until March 1975, Iran had a multiparty system. This was replaced by a new broad-based single party, the Resurgency Party of the People of Iran. Elections for both the Majles (lower house) and the Senate were held in June 1975 and were recognized as among the most honest in Iran's history. However, these democratic institutions have limited powers; the Shah makes all important decisions.

2. LEGAL SITUATION

Iranian constitutional law provides a comprehensive system of guarantee of basic human rights, combining traditional Moslem legal principles with codification largely patterned after the French system. Civil and criminal cases are handled with full guarantees of civil rights. The civilian court system which handles the large majority of civil and criminal cases has been recognized by outsiders as giving fair and balanced treatment to those brought before it. Most recently a team from the International Commission of Jurists praised certain aspects of this regular Iranian judicial system.

On the other hand, the same team recommended reforms in the handling of civilians charged with crimes involving state security. These recommendations stemmed from the fact that the security police (SAVAK) are empowered, without supervision of the regular courts, to function as military magistrates with regard to persons they may detain while protecting state security and carrying out other functions described in the Establishment of Security Organization Act of 1957. The great majority of those so detained are released within a few hours. Others are held for varying periods pending military trial or release.

Crimes against state security or which involve destruction of government property or bodily harm to government officials must under Iranian law be before a military tribunal.

As a result of this process, there are currently in prison about 2,800-3,500 persons. They are sometimes referred to as "political prisoners." These figures are based on a definition of "political prisoners" which includes those convicted of crimes related to terrorism and other forms of violence. If instead the definition used is "persons who have been detained, arrested or punished for their beliefs or opinions but who have neither used nor advocated violence" the total of political prisoners in Iran is much smaller, probably about 100-150. Most persons in this latter group have been convicted for what the Iranian Government considers to be communist activities which are in violation of Iranian law.

In 1975, Iran agreed to a request by the International Commission of Jurists to send two observers into the country. Iranian authorities cooperated fully with the visitors. Also in 1975, the UN Human Rights Commission reviewed accusations of violations of human rights by Iran, based on material presented by Iranian students studying abroad and decided, on the basis of information before it, that no action was called for in the case of Iran.

3. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

a. Integrity of the Person

Article 3.—Iranian law provides for the protection of life, property, home and honor. These legal provisions are generally observed. Charges that these legal provisions are not properly observed are generally met by the Government's reference to its efforts to suppress the terrorist movement and other threats to national security.

Article 5.—The Iranian penal code specifically prohibits torture and provides severe penalties for anyone who tortures a prisoner or orders the use of torture. While we have no verifiable evidence of the use of torture, one cannot discount the reports, particularly with regard to persons alleged to be involved in terrorist violence, that such methods have been used by the Iranian police and security services. We also have no information that any official has ever been prosecuted for the use of torture. Fewer allegations of torture have been brought to our attention in recent years than in the past.

Important recent reports on the subject include the following: Amnesty International wrote in May 1976 that "torture of political prisoners during interrogation appears to be a routine practice, but persons may be subjected to torture again at any time during their imprisonment." An observer from the International Commission of Jurists reported in 1976: "The following reports on cases involving human rights violations occurred between 1963 and 1975. In most of them those brought to trial alleged they were tortured or held in custody for excessively long periods before trial." The report that followed related to from 200 to 400 persons brought to trial. The same observer, an American human rights legal expert, stated: "In the opinion of the writer there can be no doubt that torture has been systematically practiced over a number of years against recalcitrant suspects under interrogation by the SAVAK. The number of detailed allegations which have been made, the absence of any impartial investigation, and the fact that the SAVAK is, and knows itself to be, a law unto itself, point inevitably to this conclusion."

The Shah has stated on several occasions that torture was probably used in the past, but has added that it is no longer used; he has said that "intelligent ways of questioning" prisoners are used.

Article 8.—In most cases, Iranians can obtain an effective remedy for violations of their rights with the judicial system. However, the persons who allege that their rights were violated during the prosecution of their cases by SAVAK and the military courts have more limited possibilities of obtaining redress. Decisions by military courts can be and are appealed to a military appellate court, but are not subject to review by the Supreme Court. The Shah has final review of these decisions and has on occasion lessened sentences.

In cases involving state security, terrorism or similar crimes of violence, detention without initial charges does occur and pretrial confinement has been lengthy. Internal exile is permitted by law but has been used in recent years only with respect to price fixing and corruption cases after full and fair, usually public trials.

Article 10.—Iranian law provides for equal treatment before the law. Persons suspected of violating civil and most criminal laws are normally charged shortly after arrest and many are able to gain release by posting bond.

Article 11.—Except in state security cases trials in Iran are generally public and fair and afford guarantees necessary for defense. Security cases are tried in military courts, often in camera, and without the possibility of appeal to the civil judiciary. A military officer is assigned to act as defense counsel.

b. Other freedoms

While there are some manifestations of discrimination in Iranian society, largely related to traditional religious practice, equal rights before the law are guaranteed. Freedom of movement, both within the country and abroad, the right to property, and freedom of thought and religion are observed in Iran, which has a long tradition of religious freedom.

The constitution provides for freedom of the press except for a prohibition against publications harmful to Islam, but all publishers and writers are also required to conform with the press law. The observers from the International Commission of Jurists noted that "in practice" freedom of the press did not exist.

Special rules govern the behavior of the Iranian military. There are restrictions on the peaceful assembly of groups which the Government considers political or subversive.

B. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

Over the past 2 years, U.S. Government officials have discussed privately with Iranian officials our views about human rights in general and the human rights situation in Iran specifically. These contacts have been guided by our belief that handling this subject privately would be most effective in the Iranian context. To do otherwise would certainly become widely known and would put the matter of human rights in confrontational and self-defeating terms. We have made clear in private conversations our views and laws.

Iranian officials are aware of our views about human rights both from those contacts and from other U.S. Government activities. These latter include our prominent role in human rights matters in the U.N. and elsewhere. Most recently the hearings on human rights in Iran before the Subcommittee on International Organizations of the House International Relations Committee were followed carefully by the Government of Iran. In addition, our Embassy in Tehran keeps itself informed on developments related to human rights and that fact is certainly obvious to the Iranians.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

The U.S. security assistance program in Iran is devoted to developing a militarily strong Iran. This goal, because of Iran's strategic geopolitical location, its long border with the Soviet Union, and the broad similarity of our political-strategic perceptions and security policies in the Middle East and Asia, is a major national interest for both Iran and the United States. It has always been clear to Iranian officials that the military strength of Iran is the overriding purpose of our security assistance program.

There is in Iran no U.S. public safety or other assistance program having to do with the Iranian police or penal authorities. There have been some sales of U.S. equipment to the Iranian gendarmerie, but we are not aware of any case in which that equipment has been used in connection with a possible violation of human rights.

Iranian officials are well aware of the provisions in the current law linking possible violations of human rights to the entire U.S. security assistance program.

C. U.S. INTERESTS JUSTIFYING A SECURITY ASSISTANCE PROGRAM

The U.S. security assistance program for Iran is composed only of cash sales of military equipment to Iran. In fiscal year 1976, including the transitional quarter, Iran received deliveries from the United States valued at \$1.6 billion. That same figure for fiscal year 1977 will probably be about \$1.2 billion.

These Iranian purchases are the heart of a program designed to develop a strong Iran. Iran's strength is important to us because of the parallel in Iranian and U.S. national interests found in (1) Iran's defense of its long border with the Soviet Union; (2) the transportation and communications bridge between Europe and Asian countries to the east; (3) Iran's interest in assuming major Persian Gulf security responsibilities previously carried out by the British; (4) Iran's willingness to serve as a reliable source of critical amounts of oil for the United States, Israel, our European allies and Japan; and (5) Iran's activities as a politically stabilizing force throughout that important region from Turkey into the Indian subcontinent.

For these reasons, the Department of State is of the opinion that continuation of our security assistance program with Iran is in the U.S. national interest.

PERU

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

Peru has been ruled by military governments since October 3, 1968. For 8 years, successive "Revolutionary Governments of the Armed Forces" have consciously sought to promote fundamental social and economic changes without violence—and to some extent for the purposes of preempting it. Between 1969 and 1974, extensive agrarian, educational, business, and press reforms were begun for the avowed purpose of creating a "social democracy with full popular participation." Although political parties were not proscribed, Parliament was closed, and individual critics were occasionally deported.

On August 29, 1975, Gen. Juan Velasco, who had led the 1968 revolution but was increasingly charged with "erratic" behavior, was replaced in a bloodless coup by the then Prime Minister, Gen. Francisco Morales Bermudez. The new President subsequently announced that the revolutionary process had entered a "second phase," and that "excesses" would be "rectified."

Although the general character of the regime has remained authoritarian, Morales Bermudez' style of governing has been more moderate than that of his predecessor. One of his first measures on assuming the presidency was to promise an amnesty for the politicians and journalists who had been jailed or exiled under Velasco. By early 1976 he had largely fulfilled that promise and had begun to develop policies designed to strengthen individual initiative and consolidate the reform programs.

An increasingly difficult economic situation created by the world recession and by the dislocations and uncertainties caused by previous internal reform policies led the Government of Peru to enact needed but unpopular economic austerity measures in June–July 1976. Following disturbances, the government decreed a national state of emergency and imposed a curfew in the capital. Some opposition activists have again been arrested or deported and several weekly magazines have been closed. However, the appointment of civilian ministers for the first time in 8 years, and intensified government discussion of popular participation in the political process at lower administrative levels have led traditional political parties to hope for a renewed "opening toward democracy."

2. LEGAL SITUATION

The basic Peruvian law is the constitution of 1933, as amended, which guarantees universally recognized human rights. However, the military government considers the revolutionary statute of 1968 to supersede the constitution wherever the two conflict. The Congress has been disbanded and elections suspended. Laws are enacted by decree, although some are submitted to an involved process of consultation and quasi-referendum before being promulgated.

The constitution permits the suspension of its legal protections when the security of the state requires. The current state of emergency was enacted in July 1976 in accordance with the constitution. Since then, the number of arrests and detentions has increased and there have been unsubstantiated reports of missing persons. Those detained, however, are generally released following interrogation.

Although Peruvian courts are nominally independent of the executive, the government has occasionally overruled them on policy matters. Civilian courts have no jurisdiction in security cases.

B. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

1. INTEGRITY OF THE PERSON

Article 3 of the Universal Declaration of Human Rights: The rights of life, liberty, and security of person are generally respected. The government does not execute political prisoners, nor does it condone flagrant denials of personal security.

Article 5.—The Peruvian Government insists it does not condone torture and other inhuman and degrading treatment of detainees. However, law enforcement techniques and prison conditions in Peru have given rise to occasional reports of police brutality.

The 1974 "Report on Torture" of Amnesty International (AI) stated that "police brutality during interrogation of common and political prisoners has allegedly been common practice in Peru for many years." It noted, however, that "very few allegations had been received" and "there was no reason to believe that torture is carried out beyond the interrogation stage." In September 1974, following a series of denunciations of torture in the domestic Peruvian press, then-President Velasco publicly condemned police torture and announced an investigation into its practice.

Article 8.—Peruvian citizens can seek legal redress for government acts violating fundamental rights granted by the constitution. However, because some of those rights have been suspended by decree under the state of emergency, they cannot be sure of obtaining a remedy in court.

Article 9.—Persons suspected of hostile political or security activities are occasionally subjected to arbitrary arrest and detention without charges. During the Velasco regime, particularly its last years, an estimated 100 to 150 persons were expelled from Peru or chose voluntary exile. These included students, union activists, and peasant leaders. President Morales Bermudez granted amnesty to many thus affected. Under the state of emergency, however, his government has resorted to similar measures to prevent a deterioration of the internal security situation in the face of economic difficulties and to forestall labor agitation. The GOP insists such measures are directed exclusively against those who advocate violent overthrow of the government. The AI annual report for 1975-76 cites 14 political prisoners as either under AI adoption or being investigated by AI toward adoption; no further details are given.

Article 10.—Some persons arrested for suspected political and security violations have not had an open court hearing to determine rights and charges. Detention incommunicado is also resorted to. The AI

annual report for 1975-76 refers to such detention suffered by a number of trade unionists and legal advisers to unions; they have since been released in an amnesty declared by President Morales Bermudez in April 1976.

Article 11.—The right to a fair trial is generally observed in Peru, within the traditional constraints of Latin American jurisprudence. In a small number of cases, political or security factors are given priority, and trial is by special courts martial.

2. OTHER FREEDOMS

The Peruvian Government does not condone racial discrimination of any kind, and that which is evident results from traditional attitudes of the society. The revolutionary government has taken active steps to improve access to legal resources and provide improved economic and educational opportunities to its large Indian population, which has been exploited since the Spanish conquest.

Peruvians are free to travel within the country, within the context of the restraints of the present state of emergency. No significant political limitations are placed on travel abroad.

In the process of attempting to achieve broader state and popular participation in Peru's economic processes, the military government has expropriated property. Compensation has been paid to U.S. investors in these cases under the aegis of agreements negotiated with the good offices of the U.S. Government. Personal property, as differentiated from income-producing property, is respected.

National circulation newspapers were expropriated in 1974, and were to be assigned within a specified time period to various organized sectors of society (peasants, labor organizations, intellectuals, et cetera) under a variety of government controls. However, government relinquishment of direct editorial control of newspapers has been postponed twice since 1974, and a new high-level commission has been appointed to study the situation of the press and make recommendations. Radio, television, and wire service reportings are monitored by a national information office. The Morales Bermudez government permitted privately owned weekly journals closed by Velasco to reopen. Following the July 1, 1976 disturbances, however, political periodicals of both right and left were closed.

Although political parties continue to exist legally in Peru, they are permitted no direct role in shaping government policies. Under the present state of emergency, they do not enjoy the rights of public assembly. In normal times the parties hold outdoor assemblies only with express government permission.

C. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

We have not formally raised with the GOP any specific cases of imputed violation of human rights involving Peruvians. Both in Washington and Lima, however, we have emphasized to the GOP our basic commitment to human rights and called attention to recent human rights legislation affecting assistance to Peru.

Recent U.S. cultural exchange programs in Peru have made clear our concern for the full and proper observance of human rights. Under U.S. Government auspices, George Reedy, dean of Marquette University's Journalism School, spoke clearly to the Peruvian press of the U.S. commitment to human rights, and feminist leader Joan Goodin of the U.S. Railworkers Union elucidated worldwide developments in women's rights. Labor leader exchanges have also demonstrated U.S. support for human rights and the development of free and independent institutions.

U.S. Government concern over human rights has been demonstrated as well in U.S. citizen protection cases. In July 1976, the Ambassador called upon the Foreign Minister to request that U.S. citizens caught up in the drug traffic receive speedier trials. In August our Chargé d'Affaires also called upon the acting head of the National Council of Justice (overseer of the court system) to drive home the need for speedy trials. The Embassy is in regular contact with the GOP attorney general on principles of human rights protection in regard to specific cases involving U.S. citizens.

Peru has cooperated in the international protection of human rights through the U.N. and the OAS. The Peruvian immigration office has cooperated closely with the U.S. Embassy and the U.N. Human Rights Commission to facilitate the immigration to the United States of Chilean refugees.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

No U.S. aid is extended to the Peruvian police, except in the field of drug control and interdiction. Assistance to the Peruvian military has been modest and has not contributed directly to any capability to engage in repression.

D. U.S. SECURITY ASSISTANCE PROGRAM

1. JUSTIFICATION FOR CONTINUATION OF PROGRAM

The U.S. security assistance program for Peru consists of: grants limited to foreign military training, at a cost of about \$900,000 a year; \$20 million in FMS credit sales in fiscal year 1976; and clearance for commercial military procurement from the United States—up to \$18 million maximum.

These programs are carefully monitored to avoid any U.S. Government contribution to regional tensions or to any direct or indirect violations of human rights.

The U.S. interests served by security assistance lie primarily in the maintenance of constructive relations with Peru. The training component fosters greater understanding of the United States and its policies among an important leadership group.

Elimination of the U.S. security assistance program in Peru would deprive the United States of an important instrument of communication and cooperation with that country. It cannot be argued that U.S. security assistance can insure the observance of human rights. But to the extent that the observance of these rights is enhanced by an atmosphere of confidence and cooperation, the elimination of U.S. security assistance might contribute in the end to the exact opposite of our present concerns—the degradation of the respect for human rights in Peru, not to their widening observance.

2. NATIONAL INTEREST DETERMINATION

On the basis of the purposes served by the security assistance program as described above, it is the Department of State's view that it is in the United States national interest that the security assistance program in Peru be continued along present lines.

PHILIPPINES

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

Martial law has been in effect in the Philippines since September 1972, and legislative bodies ceased functioning at that time. President Marcos governs by decree, assisted by his civilian cabinet and the military. In September 1976, President Marcos created a legislative advisory council preparatory to organizing an interim legislative body in 1977. All of the members of the legislative advisory council are appointed by the President. Amendments to the 1973 constitution, revising the form of the interim legislative body provided for by that document, were approved in a referendum/plebiscite on October 16, 1976. The revised interim legislative body is to include elected representatives from the various geographic regions of the country, as well as appointed members and members selected to represent specific sectors of the society, but the method of election has not yet been prescribed and no date for the election has yet been established. Under the new amendments, the interim legislative body is to be convened within 30 days of the election and selection of its members.

The civilian bureaucracy and the judicial system function normally in most cases, although military tribunals exercise criminal jurisdiction in some cases previously handled by regular civilian courts. All members of the judiciary, however, submitted letters of resignation at the outset of martial law. The President may accept these resignations at any time. The supreme court has upheld President Marcos' position in all cases challenging his martial law powers since its declaration. The armed forces of the Philippines are subordinate to Presidential control, but in the last 4 years have played a constantly increasing role in national life.

There is little formal political activity in a traditional sense under the martial law administration in the absence of either legislative bodies or political elections. While political parties, except for the Communist Party, have not been outlawed, they have been inactive.

2. LEGAL SITUATION

The Philippine Constitution of 1935 contained provisions permitting the suspension of the writ of habeas corpus and the imposition of martial law. Thus, the declaration of martial law in 1972 had a legal basis. The 1973 constitution, which replaced the 1935 constitution, contains similar provisions. It also contains an extensive bill of rights section which is based on the Universal Declaration of Human Rights. However, there is considerable question as to the legality of the ratification of the 1973 constitution. It was ratified in a referendum by the barangays (peoples' assemblies) in January 1973, only a few months after the outset of martial law. The ratification was by voice vote or by the raising of hands and not by secret ballot.

Persons suspected of subversive behavior, defined as violations of criminal law articles 134-142 (rebellion, sedition, or disloyalty) or other Presidential decrees, may be arrested under proclamation 1081 (declaring martial law) and in accordance with general order No. 2

(directing the Secretary of National Defense to establish a Command for the Administration of Detainees and outlining procedures for arrest and detention) and Department of National Defense Order 726 (establishing the Command for the Administration of Detainees). Once arrested, the detainee is supposed to be referred to an inquest officer within 18 to 72 hours. This officer determines whether probable cause existed for the arrest. If the determination is negative, the person is supposed to be released. If it is positive, the individual is consigned to a detention facility. New procedures announced in September 1976 require that all such arrests be reported to the Command for the Administration of Detainees within 24 hours.

3. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

a. Integrity of the person

Article 3 of the Universal Declaration of Human Rights.—Most Filipinos enjoy the right to life, liberty, and the security of person, but the nature of the martial law administration is such that any of these rights can be abridged. Duly constituted civil courts are functioning in the Philippines and the great majority of nonpolitical cases, both civil and criminal, are processed in accordance with normal due process of law. However, the writ of habeas corpus was suspended for certain categories of people as a result of the declaration of martial law.

Article 5.—Since the imposition of martial law, there have been reports of torture as well as of cruel, inhuman, and degrading punishment in the cases of some political detainees in the Philippines. The incidence of such reports was most frequent in the immediate aftermath of the declaration of martial law. In recent years, although the incidence appears to have decreased, the reports themselves have been more fully documented. When torture has been alleged, it is said to have taken place usually in the first stages of interrogation as a result of activities by lower ranking military personnel prior to the assignment of detainees to regular detention centers. Evidence indicates that instances of torture and maltreatment represent aberrations and are not the result of explicit Government policy at the political level. The conditions and atmosphere of martial law, however, may help to nurture the practice of torture.

The "Report of an Amnesty International Mission to the Republic of the Philippines," November 22–December 5, 1975, released in September 1976, states that of 107 prisoners interviewed, 71 reported to the Amnesty International representatives that they had been tortured. With few exceptions, the reported incidents of torture on which specific data was given occurred in 1974 or earlier, and nearly all were limited to incidents taking place during initial periods of interrogation. Information published by religious organizations in the Philippines concerned with human rights matters indicates that incidents of torture have continued to occur since the visit of the Amnesty International mission, but suggests that, during 1976, the proportion of persons subjected to torture or maltreatment during initial interrogation may have been significantly lower than that reported by Amnesty International among those it interviewed, who had been arrested and detained during an earlier period.

In September 1976, the Government announced the creation of a military committee to investigate torture charges against members of the armed forces. The Government also initiated court-martial proceedings against several officers and enlisted men for maltreatment of detainees. On a number of occasions, the Philippine Government has facilitated and cooperated with visiting missions from private or international organizations interested in the status of human rights in the Philippines. In addition to the visit of the Amnesty International mission, teams from the International Commission of the Red Cross (ICRC) have inspected Philippine detention centers in March 1973, November and December 1974, and July 1976. Representatives of the International Commission of Jurists (ICJ) visited the Philippines in 1975.

Article 9.—Since the institution of martial law, there have been numerous arrests and detentions of prisoners without charge or trial, in some cases for as long as 4 years. At the outset of martial law, the great majority of persons detained who would fall into the category of "political prisoner" were released within a few months. Firm figures for numbers of political prisoners still in detention are not available, but most estimates range between about 500 and 6,000, depending on which categories of individuals are included within varying definitions of "political prisoners." Generally, the number of detainees held who are nonviolent opponents of the martial law regime is believed to fall in the lower part of this range.

Articles 10 and 11.—Both military and civilian courts are in existence to try persons detained under martial law, but few cases have actually been brought to trial. Those hearings and trials which have been held have been open to the public. Most political prisoners have had access to their families from early in the period of their detention. Access to lawyers has been considerably more restricted. However, once such prisoners are charged to be tried by a military commission, they are to be provided a judge advocate as defense counsel unless they employ their own attorney. In July 1976, President Marcos directed that all cases pending before military tribunals, which would include cases of political prisoners, be tried prior to August 1976. The only case which has come to trial since July, however, is that of former Senator Benigno Aquino, and that trial has not yet been completed. The cases of two other prominent detainees, Eugenio Lopez, Jr., and Sergio Osmena III, remain in abeyance, as does that of American citizen August Lehman who, like Lopez and Osmena, has been held for 4 years without bail and without his case coming to actual trial.

b. Other Freedoms

Discrimination, legal or otherwise, on the basis of religion, race, or color is remarkably lacking in the multiracial Philippine society. Personal property is protected under law. There are some travel restrictions within the country pertaining to travel to insurgent areas in Mindanao and the Sulu Archipelago, and travel restrictions are sometimes placed on former political prisoners released on parole. Filipinos wishing to travel abroad must obtain exit permits. Travel abroad for tourism is theoretically not allowed but as a practical matter is permitted, although applicants usually must fall within certain specified categories: scholars, government officials, delegates to conferences, businessmen, et cetera.

There is limited freedom of expression in the Philippines. During the information campaign prior to the 1975 and 1976 referendums, opponents of the Government spoke to civic groups and on university campuses although little of this criticism was carried in the press. The media exercise self-censorship, which in effect means they carry nothing critical of the Government and are essentially controlled.

The Government has not actively abridged freedom of association even for many of its outspoken critics, and it has allowed some small opposition rallies and peaceful assemblies to take place. However, it monitors these events carefully and insures that they receive little or no media coverage. Political parties have been inactive since the inception of martial law, but only the Communist Party is officially banned.

B. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

During the past several years U.S. Government officials have had wide-ranging and numerous discussion with key Philippine Government officials about our concern over the human rights situation in the Philippines and worldwide. The Philippine Government, up to and including the President, is fully aware of our concern and interest in human rights. It has demonstrated sensitivity to the impact which reported violations of human rights in the Philippines have had on opinion within the United States. During the discussions, U.S. officials have made Philippine officials aware of those sections of U.S. legislation relevant to human rights, have made specific representations concerning, or have attempted to facilitate the resolution of, certain specific cases, and have impressed on the Philippine Government the overall moral and ethical concern of the Congress and the Administration. Contacts included the following:

a. In July 1974, the U.S. Embassy in Manila discussed with Executive Secretary Melchor the provisions of FAA section 32 and provided the text of the legislation to Melchor and to Solicitor General Mendoza.

b. On January 9, 1976, the Embassy brought the human rights provisions of section 116 of the Foreign Assistance Act to the personal attention of Solicitor General Mendoza.

c. In September 1976, the Embassy formally brought the human rights provisions of the International Security Assistance and Arms Export Control Act to the attention of the Philippine Department of Foreign Affairs and discussed them with senior officials of the department.

d. In two cases in 1976 the Embassy made representations which resulted in the Philippine spouses of American citizens being permitted to leave the country after they had originally been prevented from doing so.

In addition to these and other high-level approaches, the Embassy has continued to make other efforts to promote understanding of and adherence to internationally recognized standards of human rights. Educational and cultural exchange programs, for example, have significant potential for making a positive impact on the human rights situation. Full account of this potential is taken by the Embassy in its

planning. Other opportunities for promoting human rights are found by the Embassy in its many unofficial, informal contacts with a broad cross section of Philippine leadership.

Although there are no current aid programs specifically aimed at the promotion of human rights in the Philippines, many aid projects dealing with such fields as rural electrification, irrigation and population programs support and promote opportunities for the poor to improve their economic and social conditions and thereby are broadly supportive of human rights.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

The Philippine Government has been well aware of the provisions of the International Security Assistance and Arms Export Control Act dealing with human rights and of the overall interest of the U.S. Government in this regard. Our security assistance program in the Philippines dates from the early days of Philippine independence in 1946 and is a long-established component of our larger security relationship with the Philippines, which since its independence has been a close and valued ally.

The U.S. security assistance program for the Philippines long predates the present Muslim and Communist insurgencies. We are aware that military equipment originally provided by the United States is being used to counter the Muslim insurgency in the southern Philippines as well as the smaller threat posed by Communist guerrillas in the north and central Philippines. It has, however, been firm U.S. policy and practice not to become involved with Philippine efforts to suppress either of these domestic insurgencies. We keep American military personnel strictly out of the Muslim areas. Our small U.S. military advisory group is not involved in combat operations of any kind and is assigned a military assistance role only at the national level. U.S. military personnel do not perform direct advisory functions below the level of the Department of National Defense, the Armed Forces of the Philippines General Headquarters or Service Headquarters, all of which are located in the Manila area. These advisory efforts do not directly support operations of the Philippine Armed Forces but are limited to military procurement, distribution, utilization, maintenance and the like.

C. U.S. INTEREST JUSTIFYING A SECURITY ASSISTANCE PROGRAM

The Philippines has traditionally been one of our closest and most important treaty allies in East Asia. The defense commitments and mutual security interests of both countries are formally embodied in longstanding agreements. We have major military bases in the Philippines, the maintenance of which is important both for the defense of the Philippines and for the broader security interests of the United States. Continued security assistance to the Philippines is a critical factor in assuring continued U.S. access to the important facilities at Clark Air Base and the naval base at Subic Bay. U.S. security assistance has been viewed by the Philippine Government as an implicit quid pro quo for our use of these facilities, and

our continued access to these facilities is related to the maintenance of U.S. global security and the implementation of a forward strategy in the Pacific. Suspension of security assistance could motivate the Philippine Government to abrogate the military bases agreement between the two countries, which is currently under renegotiation, and invite the United States to withdraw. Beyond the unfortunate bilateral implications of such a development, ejection of the United States from the Philippine bases could seriously affect regional stability and erode confidence in U.S. security commitments in other important nations, both in the East Asian region and elsewhere.

The Department of State is of the opinion that the U.S. security assistance program for the Philippines should be continued. Elimination of the U.S. security assistance program could lessen the ability of the United States to influence the Philippine Government on a range of U.S. interests in the Philippines, including the promotion of human rights, adversely affect our security position in the East Asian region and elsewhere, and decrease confidence in U.S. security commitments to many important nations.

APPENDIX

CORRESPONDENCE WITH STATE DEPARTMENT REQUESTING REPORTS

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., September 15, 1976.

HON. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Pursuant to the provisions of section 502(B)(c)(1) of the Foreign Assistance Act of 1961, as amended, I respectfully request that reports be transmitted concerning the human rights situation in Argentina, Haiti and Peru.

Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

THOMAS E. MORGAN, *Chairman.*

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., October 4, 1976.

HON. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Pursuant to the provisions of section 502(B)(c)(1) of the Foreign Assistance Act of 1961, as amended, I respectfully request that reports be furnished concerning the human rights situation in Iran and Indonesia.

Thank you for your cooperation in this matter.

With best wishes, I am

Sincerely yours,

THOMAS E. MORGAN, *Chairman.*

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., October 5, 1976.

HON. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Pursuant to the provisions of section 502(B)(c) of the International Security Assistance and Arms Export Control Act of 1976, I am requesting on behalf of the Committee on International Relations, a report on human rights violations in the Philippines and Indonesia.

The Committee would also appreciate, in addition to the information required under section 502(B)(c), the following:

1. A detailed evaluation of chapter 2 of the Amnesty International Report entitled "Conclusions and Recommendations to the Government of the Philippines"¹
2. An evaluation of the report of the Association of Major Religious Superiors in the Philippines entitled "Political Detainees in the Philippines"¹;
3. An evaluation of the response of the Philippine Government to the allegations of torture; and
4. A listing of the reports of nongovernmental organizations which the Department utilized in preparing its report.

Your timely attention to this request will be appreciated.

With best wishes, I am

Sincerely yours,

THOMAS E. MORGAN, *Chairman.*

¹ Department of State response, dated Dec. 3, 1976, is classified.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C. October 12, 1976.

HON. KEMPTON JENKINS,
Acting Assistant Secretary for Congressional Relations,
Department of State, Washington, D.C.

DEAR KEMPTON: I have been informed of the arrangements which have been agreed upon between the Department and Senator Humphrey's Subcommittee on Foreign Assistance for the purpose of allowing the subcommittee staff to review relevant documents with respect to the observance of human rights in certain countries. I would like to request that my subcommittee staff be given the same opportunity.

In connection with the request by the Committee on International Relations to receive reports on the status of human rights and related matters under the formal reporting requirement of Section 502B of the Foreign Assistance Act, I would like to strongly urge the Department that these reports be submitted as public documents. As one of the principal authors of the revised Section 502B, it was certainly my intention that these reports should be public. The purpose in requesting these documents, is not exclusively for the use of Members and staff of the Committee on International Relations. It is important for the American public to have access to this information and to have the Department "on the public record" with respect to its own evaluation of the human rights situation in the country concerned. Obviously, the committee will understand that the Department may want to provide certain information on a confidential basis. However, the bulk of the report should be public in nature.

I would appreciate hearing from you on these matters as soon as possible.
Sincerely yours,

DONALD M. FRASER,
Chairman, Subcommittee on
International Organizations.

TEXT OF SECTION 502B(c) OF THE INTERNATIONAL SECURITY ASSISTANCE
AND ARMS EXPORT CONTROL ACT OF 1976

(c) (1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Coordinator for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2) (A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4) (A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

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